



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4041-99

15 November 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 10 July 1978 at the age of 17. Your record reflects that you served for nearly three years without incident but on 16 April 1981 you received nonjudicial punishment (NJP) for a seven incidents of absence from your appointed place of duty, two periods of unauthorized absence (UA) totalling 27 days, assault, and drunk and disorderly conduct. The punishment imposed was correctional custody for 30 days, reduction to paygrade E-1, and forfeitures totaling \$300. Approximately six months later, on 6 October 1981, you were convicted by general court-martial (GCM) of conspiracy and robbery. You were sentenced to confinement at hard labor for a year, forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD).

Subsequently, the BCD was approved at all levels of review and ordered executed. On 19 March 1986 you received the BCD.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board further considered your contention that you have paid for your past mistakes and are working hard to overcome your alcohol problems. However, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director